



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

EAG  
F. #2019R00029

*271 Cadman Plaza East  
Brooklyn, New York 11201*

December 13, 2019

By ECF

The Honorable Ann M. Donnelly  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Kelly  
Criminal Docket No. 19-286 (S-2) (AMD)

Dear Judge Donnelly:

The government respectfully submits this letter in response to the defendant Robert Kelly's motion to change the time of the conference scheduled for December 18, 2019 or, alternatively, to waive his arraignment in writing. (Ltr. Of Steven A. Greenberg, dated Dec. 11, 2019 (Docket No. 32)). The government has no objection to scheduling the arraignment by videoconference for December 18, 2019 at 4:00 p.m. Eastern Time. The government also reiterates its request that the defendant's arraignment occur by video conference and that the Court not permit the defendant to simply waive his arraignment in writing. See Fed. R. Crim. P. 10(c) (permitting an arraignment by video where the defendant consents). First, the second superseding indictment significantly broadens the racketeering offense previously returned by a grand jury in terms of the nature of the predicate racketeering offenses and the time span of the offense. Second, according to media reports from earlier this year, attorneys for the defendant have previously stated that the defendant "suffers from a learning disability that adversely affects his ability to read," and that "in essence he cannot." See, e.g., "R. Kelly Claims Learning Disability," TMZ, April 27, 2019 (available at <https://www.tMZ.com/2019/04/27/r-kelly-learning-disability-cant-read-sexual-abuse-case-loss-vacated/>) (last visited Dec. 13, 2019). Accordingly, the government

submits that an arraignment by video will best ensure that the defendant has a sufficient understanding of the charges returned against him.

Respectfully submitted,

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